

Richard C. Gordon (9036)
Tanya N. Lewis (8855)
SNELL & WILMER L.L.P.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
Telephone: 702.784.5200
Facsimile: 702.784.5252
Email: rgordon@swlaw.com
tlewis@swlaw.com

*Attorneys for Defendant Safeco Insurance
Company of America*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

STEPHANIE SPINOSO, an individual,

Plaintiff,

vs.

SAFECO INSURANCE COMPANY OF
AMERICA dba SAFECO INSURANCE
COMPANY, a foreign corporation; DOES I
through X, inclusive and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

Case No. 2:22-cv-01356-CDS-VCF

**STIPULATION AND ORDER TO
AMEND SCHEDULING ORDER AND
EXTEND DISCOVERY DEADLINES**

(Third Request)

Pursuant to LR 6-1 and LR 26-4, and for good cause shown, the parties, by and through their respective counsel of record hereby stipulate and agree to and jointly move this Honorable Court for an order to continue discovery by sixty (60) days as indicated below. This is the parties' third request, and is submitted for good cause, and not to cause undue delay in this case or prejudice to either party.

A. DISCOVERY COMPLETED TO DATE

The parties have completed the following disclosures and discovery:

1. Plaintiff served her initial FRCP 26(f) case conference disclosures on September 2, 2022.
2. Defendant served their initial FRCP 26(f) case conference disclosures on September 30, 2022.

1 3. Plaintiff propounded written discovery to Defendant on September 20, 2022.

2 4. Defendant responded to Plaintiff's written discovery requests on November 3,
3 2022.

4 5. Plaintiff has requested supplemental discovery responses from Defendant, and
5 Defendant served supplemental responses on April 6, 2023.

6 6. Defendant produced additional photographs on April 11, 2023. Defendant served
7 Amended Initial Disclosures on April 20, 2023.

8 7. Defendant served written discovery on Plaintiff on February 7, 2023. Plaintiff
9 served responses on March 9, 2023.

10 8. Plaintiff's deposition and Dr. Spinoso's deposition have been set for April 25,
11 2023.

12 9. The parties are currently arranging a mutually-convenient date to take the
13 deposition of Defendant's adjuster in Spokane, WA, for sometime in May 2023.

14 10. The parties are currently arranging a mutually-convenient date for Plaintiff to
15 appear for an IME in Las Vegas, Nevada, with the intent for it to take place in May 2023.

16 11. The parties continue to request, obtain and supplement medical records.

17 12. The parties continue to supplement their FRCP 26(f) disclosures as discovery
18 continues.

19 **B. DISCOVERY REMAINING TO BE COMPLETED**

20 1. Depositions of parties and/or witnesses;

21 2. Expert disclosures;

22 3. Depositions of treating physicians,

23 4. Expert depositions;

24 5. Additional written discovery as necessary, including supplemental discovery
25 responses;

26 6. Disclosure of additional documents;

27 7. Subpoena/Obtain additional documents as necessary;

8. The parties also anticipate that they may need to conduct other forms of discovery, though not specifically delineated herein, and anticipate doing so only on an as needed basis.

C. REASON FOR REQUEST FOR EXTENSION OF DISCOVERY DEADLINES

A scheduling order can be modified “for good cause and with the judge’s consent.” FRCP 16(b)(4). “A motion or stipulation to extend time must state the reasons for the extension requested and must inform the court of all previous extensions of the subject deadline the court granted.” LR AI 6-1 (a). “District courts should generally allow amendments of pre-trial orders when ‘no substantial injury will be occasioned to the opposing party, the refusal to allow the amendment might result in injustice to the movant, and the inconvenience to the court is slight.’” *Campbell Industries v. M/V Gemini*, 619 F.2d 24, 27-28 (9th Cir. 1980) (quoting *Angle v. Sky Chef, Inc.*, 535 F.2d 492, 495 (9th Cir. 1976); *Sherman v. United States*, 462 F.2d 577, 579 (5th Cir. 1972)). Here, as discussed below, there is no dispute among the parties that an extension would cause any injury or injustice, and that a refusal of extension could prejudice the parties. Additionally, although there may be some inconvenience to the Court, no trial date is currently set and discovery is already ongoing. Therefore, this stipulated request for a modest extension should be granted.

In addition to the discovery that has already taken place as set forth above, the parties have diligently worked to continue to conduct discovery in an effort to complete the same and prepare for trial. The parties are still in the process of determining what experts they may need for trial. If discovery is not extended, they may have to retain and designate additional experts which, upon further ordinary discovery, could be rendered unnecessary. The parties would thereby be unnecessarily burdened by costs and further expert discovery, which could complicate trial and alternative dispute resolution efforts.

The parties have diligently conducted discovery and are continuing to work cooperatively to complete the remaining discovery in order to prepare for trial. Good cause exists for modification of the current scheduling order to avoid prejudice to the parties.

D. CURRENT SCHEDULE TO COMPLETE REMAINING DISCOVERY:

Motions to Amend or Add Parties:	Closed
Initial Expert Disclosures:	05/16/2023
Rebuttal Expert Disclosure:	06/16/2023
Close of Discovery:	07/21/2023
Dispositive Motion Deadline:	08/21/2023
Joint Pre-Trial Order	09/21/2023

E. PROPOSED SCHEDULE FOR COMPLETING DISCOVERY:

Motions to Amend or Add Parties:	Closed
Initial Expert Disclosures:	07/17/2023
Rebuttal Expert Disclosure:	08/16/2023
Close of Discovery:	09/21/2023
Dispositive Motion Deadline:	10/23/2023
Joint Pre-Trial Order	11/21/2023

F. CURRENT TRIAL DATE:

No trial is yet scheduled in this matter. A joint proposed pretrial order is currently due on September 21, 2023, or 30 days following this Court's ruling on any dispositive motions, if filed. The parties seek additional time so that the same proposed pretrial order is due November 21, 2023, or 30 days after this Court's ruling on dispositive motions.

G. REQUEST NUMBER:

This is the parties' third request for extension of the discovery deadlines.

Wherefore, the parties respectfully request that the Court grant this request to extend the discovery deadlines as outlined above.

IT IS SO AGREED.

Respectfully submitted by:

Dated: April 24, 2023

LADAH LAW FIRM

Dated: April 24, 2023

SNELL & WILMER L.L.P.

By: /s/ Adrain A. Karimi

Ramzy P. Ladah, Esq.
Adrain A. Karimi, Esq.
517 S. Third Street
Las Vegas, Nevada 89101

Attorneys for Plaintiff

By: /s/ Tanya N. Lewis

Richard C. Gordon, Esq.
Tanya N. Lewis, Esq.
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169

*Attorneys for Defendant Safeco Insurance
Company of America*

ORDER

Pursuant to stipulation by the parties and for good cause shown, the deadlines and discovery schedule in this case are extended and continued as follows:

Motions to Amend or Add Parties:	Closed
Initial Expert Disclosures:	07/17/2023
Rebuttal Expert Disclosure:	08/16/2023
Close of Discovery:	09/21/2023
Dispositive Motion Deadline:	10/23/2023
Joint Pre-Trial Order	11/21/2023

If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after decision on the dispositive motions or further court order.

IT IS SO ORDERED.

DATED this ^{May} 1st ~~day of April~~, 2023.


**UNITED STATES MAGISTRATE JUDGE
HONORABLE CAM FERENBACH**

CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the **STIPULATION AND ORDER TO AMEND SCHEDULING ORDER AND EXTEND DISCOVERY DEADLINES (Third Request)** with the Clerk of the Court for the U.S. District Court, District of Nevada by using the Court's CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

DATED this 24th day of April, 2023.

/s/ Michelle Shypkoski

An employee of SNELL & WILMER L.L.P.

Snell & Wilmer

LLP
LAW OFFICES
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, Nevada 89169
702.784.5200